



**ADMINISTRATIVE
COMMUNICATIONS SYSTEM
U.S. DEPARTMENT OF EDUCATION**

DEPARTMENTAL DIRECTIVE

OIG: 1-102

Page 1 of 9 (1/9/2014)

Distribution:
All Department of Education
Employees

Approved by: _____ /s/_____
Kathleen S. Tighe
Inspector General

**Cooperation with and Reporting to the Office of Inspector
General**

Table of Contents

I. Purpose	2
II. Policy	2
III. Authorization.....	2
IV. Applicability.....	2
V. Definitions.....	3
VI. Responsibilities.....	4
VII. Reporting Procedures.....	6
VIII. Memorandum to Department Employees	9

For questions about this Directive, please contact the Deputy Assistant Inspector General for Investigations at 202-245-6900.

Supersedes OIG: 1-102, Cooperation with and Reporting to the Office of Inspector General, dated 09/16/2008.

I. Purpose

This Directive establishes the U.S. Department of Education (ED or Department) policy for cooperating with the Office of Inspector General (OIG). It also sets forth procedures for reporting instances of suspected wrongdoing to the OIG.

II. Policy

It is the policy of ED to cooperate with the work of the OIG and to promptly report to the OIG fraud, waste, abuse, or criminal violations in ED's programs and operations. The OIG often needs information from ED offices in order to conduct its work effectively. The Inspector General Act of 1978, as amended, 5 U.S.C. app. 3 (IG Act), provides that the OIG has access to all records, reports, audits, reviews, documents, papers, recommendations, or other material available to the Department that relate to the Department's programs and operations. This includes records or other material that are in electronic form. ED employees and all others covered by this Directive (see Section IV, below) must respond promptly and completely to requests from the OIG for information and records. OIG must also receive unrestricted access to personnel whom the OIG determines may have pertinent information. Failure to cooperate causes unnecessary delay for the OIG in completing its work, and may raise questions as to whether full disclosure is being provided. See January 8, 2014, Memorandum to Department Employees from the Secretary (included in Section VIII).

III. Authorization

The OIG was established under the IG Act and by Section 211 of the Department of Education Organization Act, Pub. L. No. 96-88 (1979)(codified at 20 U.S.C. § 3422). The IG Act provides that the OIG is an independent and objective organization responsible for conducting and supervising audits and investigations relating to ED programs and operations.

This Directive is issued pursuant to §§ 6 and 7 of the IG Act, Title 20 of the U.S. Code, Title 34 of the Code of Federal Regulations, the Federal Acquisition Regulation, contract provisions, and 20 U.S.C. § 3474, which provides the Secretary the authority to prescribe rules and regulations.

IV. Applicability

This Directive applies to all ED employees, boards, and commissions (collectively referred to as employees).

V. Definitions

- A. **Administrative Offenses by Employees.** Offenses that are administrative in nature are generally not investigated by the OIG and typically should be handled directly by supervisors. Examples of administrative offenses are:
1. Chronic or habitual tardiness;
 2. Inappropriate use of government computers (e.g., accessing prohibited websites, excessive use of the Internet);
 3. Misuse of sick leave;
 4. Unauthorized use of alcoholic beverages;
 5. Reporting for duty while intoxicated or under the influence of intoxicants;
 6. Insubordination (refusal to obey orders, insolence, and similar behaviors);
 7. Absence without leave (any leave from duty that has not been authorized in accordance with the leave instructions and for which pay must be denied);
 8. Fighting, threatening, intimidating, or engaging in other disruptive behavior;
 9. Employee indebtedness that either reflects adversely on the government or affects the employee's performance on the job; and
 10. Discrimination and workplace harassment prohibited by law or regulations.
- B. **Criminal Violations.** Criminal violations include, but are not limited to, any fraud against ED programs or operations, theft, embezzlement, bribery, solicitation of bribery, acceptance or solicitation of gratuities, conflicts of interest and other criminal ethics violations, possession or distribution of illegal drugs on ED property, student aid fraud (including failure to pay student aid refunds), child pornography, or conspiracy to commit any of these violations.

VI. Responsibilities

A. Employees

1. Criminal Violations. Any employee having information indicating a possible criminal violation by an employee or program participant (e.g., contractor, subcontractor, grantee, subgrantee, or consultant) must bring this information to the immediate attention of the nearest OIG/Investigation Services (IS) office or the OIG Hotline (refer to Section VII for contact information).
2. Fraud, Waste, Abuse. Any employee having information indicating fraud, waste, or abuse involving ED programs and operations should bring this information to the immediate attention of the nearest OIG/IS office or the OIG Hotline. Appropriate information would include that pertaining to fraud, waste, or abuse by another employee in the performance of his/her official duties or by any person or entity who receives or administers ED funds (e.g., contractors, subcontractors, grantees, subgrantees, or consultants).
3. Other Matters. Any employee having information regarding administrative offenses or other violations of law, regulation, contract, agreement, or procedures on the part of another employee or an ED program participant should report this information to a supervisory official. In addition, or alternatively, any employee may bring allegations of such matters directly to the attention of the OIG if:
 - a. The employee fears reprisal as a result of reporting to OIG or participating in whistleblowing activities;
 - b. The employee has reported the matter to supervisory officials, but believes that the matter has not been adequately resolved; or
 - c. The employee chooses to do so.
4. All employees are required to:
 - a. Promptly and completely comply with all official requests for information, documents, and records (including those in electronic form) from representatives of the Inspector General;
 - b. Insert provisions into procurement contracts, service contracts, and grant award documents that give the OIG access to contractor/grantee and subcontractor/subgrantee information, documents, records (including those in electronic form), and

personnel and that require contractors/grantees to report fraud, waste, or abuse involving ED programs and operations to the OIG;

- c. Keep in confidence all inquiries made by the OIG when requested to do so except insofar as they may seek counsel concerning personal involvement. Employees are permitted to have an attorney or union representative (if applicable) present when they are being interviewed by the OIG if the employee reasonably believes that the interview may result in disciplinary action against the employee; and
- d. Immediately discuss with the OIG requestor any operational or practical reasons the employee cannot promptly respond to a request from OIG, rather than delay the response. If the employee has legal concerns about the request, the employee should consult with the Office of the General Counsel (OGC) promptly, so that OGC can help resolve the matter expeditiously with the OIG. Refusal to respond, concealment of material facts, or willfully providing inaccurate information may be grounds for disciplinary action. An employee, however, will not be required to respond to questions if he or she invokes the right to remain silent on the ground that responding might tend to incriminate him or her.

B. ED Supervisors

1. Supervisors will:
 - a. Initially handle any administrative offenses with the assistance of human resources staff of the Office of Management (OM) or Federal Student Aid (FSA), as appropriate;
 - b. Ensure that subordinates are aware of ED's policy as outlined in this Directive;
 - c. Comply with all official requests and keep in confidence all inquiries made by the OIG;
 - d. At the request of the OIG, provide a "management representation" letter affirming that, to the best of the supervisor's knowledge, information, and belief, all requested information (including that in electronic form) has in fact been provided during an audit or inspection of a program managed by the supervisor; and
 - e. Immediately discuss with the OIG requestor any operational or practical reasons the supervisor cannot promptly respond to a request from OIG, rather than delay the response. If the supervisor

has legal concerns about the request, the supervisor should consult with OGC promptly, so that OGC can help resolve the matter expeditiously with the OIG.

2. Supervisors will not:

- a. Direct any ED employee to refrain from providing assistance or furnishing information, either upon request or voluntarily, to the OIG; or
- b. Threaten employees with, or subject them to, any form of reprisal for providing information to OIG, or for reporting or stating an intention to report allegations of wrongdoing to OIG. Section 7(c) of the IG Act and the Whistleblower Protection Act of 1989 prohibit reprisal against an employee who makes a complaint or discloses information to the OIG. However, after consultation with OIG and human resources staff in OM or FSA, as appropriate, supervisors may initiate appropriate disciplinary action against an employee who reports, or who openly states an intention to report, an allegation while knowing it to be false, or with willful disregard for its truth or falsity.

C. **Office of Inspector General.** The OIG may investigate allegations within its jurisdiction regarding fraud, waste, abuse, and criminal violations related to ED programs and operations.

1. Investigations may result in referrals of cases to the Department of Justice for criminal prosecution or civil action, or to ED management officials for administrative action.
2. The OIG shall not, after receipt of a complaint or information from an ED employee, disclose the identity of the employee without the consent of the employee unless the Inspector General determines that such disclosure is unavoidable during the course of an investigation. Any identifying information is confidential source material, and OIG employees must not disclose such information except to other OIG employees who have a need to know in connection with their official duties.

VII. Reporting Procedures

A. **Reporting Fraud, Waste, Abuse, or Criminal Violations.** All employees may report allegations to OIG by contacting:

1. The nearest OIG/IS office telephone number:

Office	Area Code	Telephone
Ann Arbor, MI	(734)	330-2015
Atlanta, GA	(404)	974-9430
Boston, MA	(617)	289-0174
Chicago, IL	(312)	730-1630
Dallas, TX	(214)	661-9530
Denver, CO	(303)	844-0058
Kansas City, MO	(816)	268-0530
Long Beach/Los Angeles, CA	(562)	980-4141
Nashville, TN	(615)	886-4872
New York, NY	(646)	428-3861
Philadelphia, PA	(215)	656-6900
Phoenix, AZ	(602)	507-6173
Pittsburgh, PA	(412)	395-4547
Pembroke Pines, FL	(954)	450-7341
San Juan, PR	(787)	773-2740
Washington, DC	(202)	245-6918

See also: <http://www2.ed.gov/about/offices/list/oig/oigaddress.html>

2. The OIG's Hotline: The OIG Hotline may be reached by using the toll-free number 1-800-647-8733 (1-800-MISUSED) or local number 202-245-6911, Mondays, Wednesdays, and Fridays between the hours of 9:00 a.m. and 11:00 a.m. and Tuesdays and Thursdays between the hours of 1:00 p.m. and 3:00 p.m., Eastern Time. Complainants can also submit complaints to the [Hotline](#) through the OIG website (<http://www.ed.gov/about/offices/list/oig/index.html>), or by fax machine (202-245-7047), 24 hours a day and seven days a week, or by writing to the following address:

U.S. Department of Education
Inspector General Hotline
400 Maryland Avenue, SW
8th Floor-PCP
Washington, D.C. 20202-1500

- B. **Reporting Other Matters.** The OIG Hotline is maintained to facilitate the reporting of allegations involving fraud, waste, abuse, or criminal violations relating to ED programs and operations. Except as provided in Section VI.A.3, it is not intended to be used for reporting complaints related to administrative offenses or workplace disputes or for consumer, personnel, or equal employment opportunity issues. ED has a variety of consumer information and customer complaint mechanisms separate from the OIG Hotline.
- C. **Confidentiality and Anonymity.** The identity of employees who report allegations to OIG will be kept confidential as provided in Section VI.C. Anonymous reports are accepted; however, anonymity may limit OIG's ability to act on the report because the OIG will not be able to obtain clarification or additional details from the complainant.

VIII. Memorandum to Department Employees

Memorandum from the Secretary to ED Employees Regarding Cooperation with OIG

January 8, 2014

MEMORANDUM TO DEPARTMENT EMPLOYEES

The Office of Inspector General (OIG) performs the critical tasks of conducting audits, investigations, and inspections related to the programs and operations of the U.S. Department of Education. Some of you may not have worked closely with the OIG, and may not be familiar with the OIG's processes. I want to note the important role all employees have in assisting the OIG to carry out audits, investigations, and inspections. It is imperative that all employees provide their full cooperation with any OIG inquiry.

The OIG often needs information from Department offices in order to conduct its work effectively. The Inspector General Act provides that the OIG has access to **all** records, reports, audits, reviews, documents, papers, recommendations, or other material available to the Department that relate to programs and operations with respect to which the Inspector General has responsibilities. ED employees must respond promptly and completely to requests from the OIG for information and records. Failure to cooperate causes unnecessary delay for the OIG in completing its work, and may raise questions as to whether full disclosure is being provided. If you are asked to provide information to the OIG, and there are any operational or practical reasons you cannot promptly respond to the request, you should immediately discuss these issues with the OIG requester, rather than delay the response. If you have legal concerns about the request, please consult with the Office of the General Counsel promptly, so that it can help you resolve the matter expeditiously with the OIG. When the OIG conducts audits within the Department itself, the OIG will ask the affected program's manager to provide a "management representation" letter affirming that to the best of the manager's knowledge, information, and belief, all requested information has in fact been provided.

Withholding or providing misleading information to the OIG undermines the Department's credibility, and can have serious consequences for an individual employee as provided in the Department's Table of Penalties, or under federal criminal statutes. Employees may seek counsel concerning their personal involvement and are permitted to have an attorney or union representative (if applicable) present when they are being interviewed by the OIG if the employee reasonably believes that the interview may result in disciplinary action against the employee. Cooperation with the OIG also includes promptly reporting allegations of fraud or criminal conduct in Department programs and operations. You can contact the OIG hotline confidentially by phone at 1-800-MISUSED or 202-245-6911, or by submitting a complaint through the OIG website <http://www.ed.gov/about/offices/list/oig/index.html>, by fax at 202-245-7047, or by mail at U.S. Department of Education Inspector General Hotline, 400 Maryland Avenue, SW, 8th Floor-PCP, Washington, D.C. 20202-1500.

The senior leadership team and I are committed to maintaining the Department's culture of accountability and transparency. We appreciate the assistance and cooperation of all ED employees in recognizing the OIG's statutory responsibility and supporting the OIG's efforts to identify and prevent misuse of federal funds. For more information on the OIG's procedures, please refer to the directive "[Cooperation with and Reporting to the Office of Inspector General](#)," OIG: 1-102, on connectED.

Thank you for your attention to this important matter.

/s/
Arne Duncan